Single Bench

CF 8001

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (S) No. 4958 /2006

PETITIONER : 1) Jaleshram Chandravanshi, aged about 44 years, S/o Shri Lakhanram Chandravanshi, Primary School, Birkona, Kawardha.

2) Ramji Chandravanshi, aged about 46 years, S/o Shri Sakharam Chandravanshi, Primary School, Jewdakhurd, Kawardha.

3) Purushotam Das Veshnav, aged about 46 years, S/o Shri Deva Das Veshnav, Govt. Pre Middle School, Bamrini, Kawardha

4) Girdhar Ram Kaushik, aged about 51 years, S/o Shri Chandu Lal Kaushik, Govt. Primary School, Bamhani, Kawardha

5) Kailash Sharan Singh Thakur, aged about 46 years, S/o Shri Rumavat Singh Thakur, Primary School, Nevari, Kawardha.

6) Mahesh Kumar Amde, aged about 47 years, S/o Shri Muldu Ram Amde, Primary School, Kureli.

7) Sudarniram Kaushik, aged about 51 years, S/o Shri Chetu Ram Kaushik, Pre Middle School, Gochia.

P.R. No. 4920/06
Presented by Vinod Dashmukh
dated 7/9/06

03/9/06

RD. HD-COPY 7/9/06
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2 (6)

8) Badri Narayan Halwai, aged about 50 years, S/o Shri Shyam Lal Halwai, Govt. Primary School, Gaungchuva.

VERSUS

RESPONDENT(S) : 1) State of Chhattisgarh through the Secretary, School Education Dept., D.K.S. Bhavan, Raipur (CG)

2) Distt. Education Officer, Distt. Kabirdham (Kawardha)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 4958 of 2006

Petitioners : Jaleshram Chandravanshi & others

-Versus-

Respondents : State of Chhattisgarh & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Shri P. S. Koshy, Advocate for the petitioners.
Shri V. V. S. Murthy, Deputy Advocate General for the respondents.

ORDER

(Passed on this 8th day of March, 2007)

1. The petitioners were appointed as Assistant Teacher on fixed pay of Rs. 150/- in the year 1982-89. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

(46)

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in W. P. (s) 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), which was allowed vide order dated 7th November, 2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur